

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ROBERT HARRINGTON, et al.,

Plaintiffs,

v.

DELTA AIR LINES, INC., et al.,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No
04-12558-NMG

DEUTSCHE LUFTHANSA A.G.'S MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)

Defendant Deutsche Lufthansa, A.G. ("Lufthansa"), by its attorneys, hereby moves to dismiss plaintiffs' claims against Lufthansa set forth in plaintiffs' complaint, jury claim, and request for class certification (the "complaint") pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

As grounds for its motion, Lufthansa states that plaintiffs' claims against Lufthansa should be dismissed because (1) plaintiffs lack standing to raise such claims against Lufthansa and, therefore, this Court lacks subject-matter jurisdiction over those claims; (2) plaintiffs' claims are expressly preempted and barred by federal law; and (3) plaintiffs have failed to state a claim as a matter of state law as to each count alleged in the complaint.

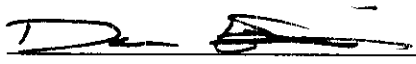
WHEREFORE, Lufthansa respectfully requests that plaintiffs' claims against Lufthansa be dismissed pursuant to Fed R. Civ. P. 12(b)(1) or 12(b)(6), and for such other and further relief

as this Court deems just and proper.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP
Attorneys for Deutsche Lufthansa, A.G.

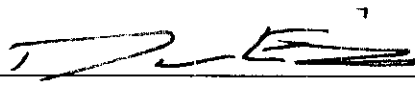
Dated: February 10, 2005

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that counsel for Lufthansa attempted in good faith to resolve the issues presented in this Motion with counsel for the plaintiffs but were unable to do so.


Daniel M. Esrick
February 10, 2005

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2005, I caused a true copy of the foregoing document to be sent by Federal Express overnight delivery to the following:

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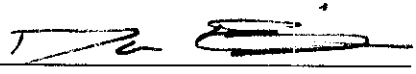
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